

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 941
Case No. 00-39MA
(Map Amendment – Square 484, Lot 25)
June 11, 2001

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on April 5, 2001. At that hearing session, the Zoning Commission considered an application from The Salvation Army to amend the Zoning Map of the District of Columbia, pursuant to Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

The application requested that the subject property, Lot 25 in Square 484, be rezoned from the HR/SP-2 District to the DD/C-2-C District.

FINDINGS OF FACT

1. The Salvation Army petitioned the Zoning Commission for the rezoning in order to allow CG Investment, Inc. ("CG"), contract purchaser of the subject property, to develop an apartment building with ground level retail and commercial uses.
2. The subject property contains a total land area of approximately 30,735 square feet. The subject property is roughly rectangular in shape, with Massachusetts Avenue, N.W. running diagonally along its southern boundary; I Street, N.W. to the southeast; several commercial establishments to the north; 6th Street N.W. to the west; and 5th Street, N.W. to the east. The subject property is currently utilized as a parking lot.
3. Zoned SP in 1958, the subject property was rezoned SP-2 by Zoning Commission Order No. 235. In 1981, the subject property was made part of the Hotel-Residential Incentive (HR) District. The subject property is currently zoned HR/SP-2.
4. On June 12, 1989, the Zoning Commission adopted Order No. 618 approving a PUD for the subject property, which did not change the zoning of the property, but provided conditions for development of a mixed-use project. This Order was modified and extended several times until it expired in March 1998. Upon expiration of Order No. 618 as modified and extended, the zoning on the subject property remained HR/SP-2.
5. On December 17, 1990, the Zoning Commission established the Downtown Development District (Zoning Commission Order No. 681, effective January 18, 1991). The map amendment in Order No. 681 designated the subject square for rezoning to DD/C-2-C.

The subject property was, at that time, still subject to the provisions of PUD Order No. 618. Under Subsection 2400.7 of the Zoning Regulations, if a PUD order expires, the zoning for such site reverts to "the pre-existing regulations and map." The Zoning Commission confirmed the application of this Subsection in its Order No. 905, Finding of Fact No. 55. Therefore, upon expiration of Order No. 618, the subject property remained HR/SP-2, even though the subject property is surrounded predominantly by DD zoned property. But for the PUD approval in effect in 1991, the subject property would now be zoned DD/C-2-C.

6. The surrounding area was also rezoned pursuant to Zoning Commission Order No. 681. As stated above, the subject property abuts a large area zoned predominantly DD/C-2-C.
7. The SP-2 District permits office development, as well as all kinds of residential uses, institutional uses, hotels and inns, with a maximum permitted floor area ratio (FAR) of 6.0 (no more than 3.5 of which may be non-residential), a maximum building height of 90 feet and a maximum lot occupancy for residential buildings of 80 percent.
8. The HR overlay to the SP-2 District permits a maximum FAR of 8.5 for hotels and apartment houses. It also allows buildings that include a minimum of 2.0 FAR devoted to hotel or apartment house use to be built to the maximum height permitted under the Act of 1910.
9. The C-2-C District permits general commercial development as well as all kinds of residential uses, institutional uses, hotels and inns, with a maximum permitted floor area ratio (FAR) of 6.0 (no more than 2.0 of which may be non-residential), a maximum building height of 90 feet and a maximum lot occupancy for residential buildings of 80 percent.
10. By comparison, the DD overlay also permits the maximum height allowed under the Act of 1910. The DD overlay applies only to new buildings and to alterations or additions to existing buildings that exceed 100 percent of the building's assessed value in any 12-month period. In addition, the DD overlay is divided into different housing priority areas. Pursuant to Section 1706.8(a), the subject square is included within Housing Priority Area A. As a result, the maximum permitted FAR is 8.0, a minimum 4.5 FAR of which is required to be devoted residential use. With the purchase of TDRs, available through the DD, or construction of additional residential, the allowable on-site FAR may be increased to 8.5.
11. The Office of Planning ("OP"), by report dated March 21, 2001, recommended approval of the application.
12. OP determined that "housing on the site is appropriate at this location as it will help to provide the housing that is envisioned for the Mount Vernon Area."
13. The Commission concurs with OP's findings.

14. Advisory Neighborhood Commission 2C, by letter dated December 7, 2000, recommended approval of this application to the Commission.
15. There were no persons or parties in opposition to this application.
16. The application was referred to the National Capital Planning Commission under the terms of the District of Columbia Self-Government and Government Reorganization Act. The NCPC, by action dated June 15, 2001, found that the proposed map amendment would not adversely affect the federal establishment or other federal interest in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. Section 6-641.01 of the D.C. Code, 2001 Ed., establishes the authority of the Zoning Commission "to promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia."
2. At the conclusion of the April 5, 2001, public hearing, the Commission took proposed action to approve the application.
3. The Commission has accorded to the Advisory Neighborhood Commission 2C the "great weight" to which it is entitled.
4. Approval of this application is not inconsistent with the Comprehensive Plan.
5. The approval of the application will promote orderly development in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map.

DECISION

In consideration of the findings and conclusions set forth in this order, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of a change of zoning from the HR/SP-2 District to the C-2-C District with the Downtown Development District ("DD") Overlay, for Lot 25 in Square 484, as identified in this application.

Vote of the Commission at the public hearing held on April 5, 2001: **3-0-2** (Anthony J. Hood, Kwasi Holman, and Carol J. Mitten to **approve**; Herbert M. Franklin and John G. Parsons, not present, not voting).

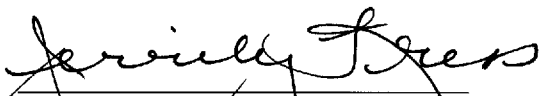
Z.C. ORDER NO. 941
CASE NO. 00-39MA
PAGE 4

This order was adopted by the Zoning Commission at its public meeting held on July 16, 2001 by a vote of: **3-0-2** (Anthony J. Hood, John G. Parsons to **approve**, and Carol J. Mitten to **approve** by proxy, Peter G. May, not present, not voting, James H. Hannaham, present, abstaining from voting).

In accordance with 11 DCMR 3028, this Order is final and effective upon publication in the D.C. Register on **AUG 10 2001**.



CAROL J. MITTEN
Chairman
Zoning Commission



JERRILY R. KRESS, FAIA
Director
Office of Zoning